



# **FRAUD**

## **IN THE UNITED STATES REFUGEE PROGRAM**

# **STOPPING IT IS EVERYONE'S RESPONSIBILITY**

### **What is Fraud in the Refugee Program?**

Every year, thousands of persons legally enter the United States as refugees under the U.S. Refugee Resettlement Program. Not only does this humanitarian program provide relief to those who have been persecuted and those who fear persecution, it also helps reunite family members. In addition to the refugees who enter legally, a significant number of others attempt to use the USRP to enter the U.S. illegally. Persons who willfully misrepresent facts to gain access to or approval under the USRP in the absence of a lawful entitlement are committing **fraud**. Persons who knowingly assist them are also committing fraud. Both categories of persons may be prosecuted under U.S. immigration law.

***Identity and Family Relationships:*** The most frequently occurring form of refugee fraud is the misrepresentation of facts such as an applicant's identity and his relationship to other family members on his case or on another case. Misrepresentations of this kind may be committed for a variety of reasons – a desire to help another family member or friend; for monetary gain; or in response to threats. Regardless of the reason, such misrepresentations are acts of refugee fraud and may be subject to prosecution and penalties.

***Documents:*** Persons who file applications and submit other documents such as Affidavits of Relationship (AORs) containing misrepresentations of fact to obtain USRP access or approval, and those who knowingly assist them in the completion and filing of such documents, are committing fraud. Also, persons who present documents such as passports, birth/death certificates, marriage licenses, divorce decrees, adoption and guardianship documents that are counterfeit, altered or illegally obtained are committing fraud.

***Refugee Claims:*** Persons who intentionally provide sworn testimony that contains factual misrepresentations of their alleged persecution or fear of persecution to an Immigration Officer during their refugee interview in order to gain access to or approval under the USRP, are also committing fraud.

### **What are the Penalties for Committing Refugee Fraud?**

***Fraudulent Use of Visas and Other Documents to Illegally Enter the United States*** Title 18, United States Code, Section 1546. Sentence: not more than 10 years and/or \$10,000 fine. To support criminal activity = 15 years. To promote or facilitate a terrorist activity = 25 years.

***False Statements of Material Facts*** Title 18, United States Code, Section 1001. Sentence: not more than 10 years and/or \$5,000 fine.

## REFUGEE FRAUD (Continued)

**Fraudulent Identification Documents and Information** Title 18 United States Code, Section 1028. Sentence: 15-25 years and/or fine. **Forgery or False use of Passports** Title 18 United States Code, Section 1543. Sentence: 15-25 years and/or fine.

**Aiding and Abetting** Title 18, United States Code, Section 2. Renders one who aids and abets a crime punishable as a principal.

**Improper Entry by an Alien** Title 8, United States Code, Section 1325. Sentence: Not more than 6 months, not more than \$500 fine. **Bringing in of and Harboring Illegal Aliens** Title 8, United States Code, Section 1324. Sentence: 5 years and/or \$5,000 fine - with new guidelines circumstances can make the sentence much more stern.

**Conspiracy to Commit Offenses against or Defraud the United States** Title 18, United States Code, Section 371. Sentence: 5 years and/or \$10,000 fine.

**Perjury when Presenting Material Testimony** Title 18, United States Code, Section 1621. Sentence not more than 5 years and/or \$10,000 fine.

**Peonage (placing or binding a person in servitude)** Title 18, United States Code, Section 1581(a). Sentence: not more than 20 years and/or \$5,000 fine. Addition to sentence in new law: "if death results from the violation of this section or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any terms of years or life, or both.."

**Slavery** Title 18, United States Code, Section 1583. Sentence: not more than 20 years and/or \$5,000 fine. Addition to sentence in new law: "if death results from the violation of this section or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any terms of years or life, or both."

**Sale into Involuntary Servitude** Title 18, United States Code, Section 1584. Sentence: not more than 20 years and/or \$5,000 fine. Addition to sentence in new law: "if death results from the violation of this section or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any terms of years or life, or both."

**Importation for Immoral Purposes** Title 8, United States Code, Section 1328, Sentence: 10 years and/or \$5,000.

**Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor** Title 18, United States Code, Sections 1589 and 1590. Sentence: 20 years and/or \$10,000 fine or both or "if death results from the violation of this section or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any terms of years or life, or both."

**Sex trafficking of children or by force, fraud or coercion** Title 18 United States Code, Section 1591. Sentence: If the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, \$10,000 and/or imprisonment for any term of years or for life. If the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, \$10,000 and/or not more than 20 years.

**Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor** Title 18 United States Code, Section 1592. Sentence: 5 years and/or \$15,000.